

## **REMARKS**

### **Introduction**

Claims 1 – 6 were originally pending in the present application. Claims 1 - 6 were preliminarily amended, and claim 7 was added via a Preliminary Amendment dated April 18, 2005. In response to an Office Action dated February 8, 2006, claims 1, 4, and 7 were amended, and claims 2, 3, 5, and 6 were cancelled. In response to an Office Action dated July 17, 2006, claim 1 was amended, and claim 4 was cancelled. In response to the latest Office Action dated November 8, 2006, claim 1 has been amended, and claim 7 has been cancelled. Accordingly, claim 1 is presently pending for consideration in this application. No new matter has been added.

### **Claim Rejections**

#### **35 U.S.C. § 102(b)**

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by the Lobanoff '872 patent. A claim is said to be anticipated where each and every limitation of the claim can be found in a single reference. Claim 1 has been amended to include features formerly set forth in claim 7 and as shown in the drawings and described in the specification of the present application. Claim 7 has been cancelled herein. No new matter has been added. Thus, as explained in detail below, the applicant respectfully submits that each and every limitation of amended independent claim 1 cannot be found in the Lobanoff '872 patent. Accordingly, the applicant respectfully traverses this rejection and requests that it be withdrawn.

### **35 U.S.C. § 103(a)**

Claim 7 was rejected under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over the Lobanoff '872 patent in view of the Dixon '502 patent. More specifically, the Examiner states that it would have been obvious to one having ordinary skill in the art at the time the applicant's invention was made to make the length of each of the front and back cross bars adjustable as taught by Dixon with the trunk space storage system of Lobanoff in order to enhance reliable fitting with various vehicles. (Claim 7 has been cancelled herein.) In view of the amendment to claim 1 as noted above, the applicant cannot agree that the invention defined in claim 1 would have been obvious over the Lobanoff '872 patent in view of the Dixon '502 patent. Accordingly, this rejection is respectfully traversed.

### **The Prior Art**

#### **The Lobanoff '872 Patent**

The Lobanoff '872 patent discloses a storage device for a motor vehicle including at least one partially flexible storage bag 9 that can be firmly secured in a cargo space 1. Each of two opposing sides of the storage bag 9 features a dimensionally fixed and stable supporting profile 10 extending along at least one entire horizontal length of the side to which the supporting profile 10 corresponds. The opposing fronts of the respective supporting profiles 10 can be secured, in a detachable manner, in corresponding plug-in receptacles 21 of the cargo space 1. The storage bag 9 is suspended on and about the supporting profiles 10 and apparently may, if at all, be slid off the respective supporting profiles 10 to remove the storage bag 9 after removing the supporting profiles 10 from the corresponding mounting devices 3, 7. The dimensionally stable supporting profiles 10 are connected

to one another by a flexible folding structure 13 that protrudes into at least one floor section of the storage bag 9.

Each of the plug-in receptacles 21 features a plug-in groove 26 that is open at the top and designed to match a plug-in pin 25 on a respective supporting profile 10 so that the plug-in pin 25 can be inserted into the plug-in groove 26 from above and can then lock into it. One supporting profile 10 is also provided with a catch groove 24 that projects laterally outward. A corresponding catch hook 23 of the other supporting profile 10 can be hooked into the catch groove 24 to secure the other supporting profile 10 in a parallel abutting position. If the two supporting profiles 10 are connected to one another, this connection automatically closes the opening for loading and unloading the storage bag 9.

However, the Lobanoff '872 patent fails to disclose or suggest a trunk space storage system in which at least one storage container of the system fits over front and back cross car bars of the system so as to be supported by the front and back cross car bars. This patent also fails to disclose or suggest a trunk space storage system in which both of the front and back cross car bars are adapted to be stowed in either of pairs of front and back recesses when the trunk space storage system is not needed. This patent also fails to disclose or suggest a trunk space storage system in which the length of each of the front and back cross car bars can be adjusted.

### **The Dixon '502 Patent**

The Dixon '502 patent discloses a collapsible trunk-spacer apparatus 10 for a trunk of an automobile. The spacer apparatus 10 includes a generally rectangular, collapsible carrier unit 11 having generally rigid end panels 21, 22 and generally flexible side walls 23, 24. Each of the side walls 23, 24 is operatively associated with an upper and a lower telescoping support unit 12 for

varying the length of the carrier unit 11 and moveable divider units 13 for creating individual compartments within the carrier unit 11. In addition, each of the side walls 23, 24 is provided with an upper and a lower row of a plurality of spaced loops 26. Each row is adapted to receive a support unit 12.

However, the Dixon '502 patent fails to disclose or suggest a trunk space storage system including a front cross-car bar and a back cross-car bar each of which is adapted for extending across a trunk space. This patent also fails to disclose or suggest a trunk space storage system in which each of a pair of front recesses and a pair of back recesses are located at respective opposite sides of the trunk space. The pair of front recesses support respective opposite ends of the front cross-car bar, and the pair of back recesses support respective opposite ends of the back cross-car bar. The front and back cross car bars are respectively removably supported by the pairs of front and back recesses. This patent also fails to disclose or suggest a trunk space storage system in which at least one storage container is removably supported by the front and back cross-car bars. The storage container fits over the front and back cross car bars so as to be supported by the front and back cross car bars. This patent also fails to disclose or suggest a trunk space storage system in which both of the front and back cross car bars are adapted to be stowed in either of the pairs of front and back recesses when the trunk space storage system is not needed.

#### **The Trunk Space Storage System of the Present Invention**

In contrast to the related art, amended claim 1 of the present application discloses a trunk space storage system including a front cross-car bar and a back cross-car bar each of which is adapted for extending across a trunk space. Each of a pair of front recesses and a pair of back recesses are located at respective opposite sides of the trunk space. The pair of front recesses support

respective opposite ends of the front cross-car bar, and the pair of back recesses support respective opposite ends of the back cross-car bar. The front and back cross car bars are respectively removably supported by the pairs of front and back recesses. At least one storage container is removably supported by the front and back cross-car bars. The storage container fits over the front and back cross car bars so as to be supported by the front and back cross car bars. Both of the front and back cross car bars are adapted to be stowed in either of the pairs of front and back recesses when the trunk space storage system is not needed. The length of each of the front and back cross car bars can be adjusted.

#### **Argument**

##### **35 U.S.C. § 102(b)**

As noted above, a claim is said to be anticipated where each and every limitation of the claim can be found in a single prior-art reference. In this case, the limitations of amended independent claim 1 cannot be found disclosed in the Lobanoff '872 patent. In particular, the Lobanoff '872 patent fails to disclose or suggest a trunk space storage system in which at least one storage container of the system fits over front and back cross car bars of the system so as to be supported by the front and back cross car bars, both of the front and back cross car bars are adapted to be stowed in either of pairs of front and back recesses when the trunk space storage system is not needed, and the length of each of the front and back cross car bars can be adjusted.

More specifically, the trunk space storage system of the present invention requires that at least one storage container of the system fit over the front and back cross car bars of the system so as to be supported by the front and back cross car bars. The trunk space storage system of the present invention also requires that both of the front and back cross car bars be adapted to be stowed in either

of pairs of front and back recesses when the trunk space storage system is not needed. The trunk space storage system of the present invention also requires that the length of each of the front and back cross car bars can be adjusted.

Unlike the trunk space storage system of the present invention, the Lobanoff device includes only the bag 9 that is suspended on and about the supporting profiles 10 and apparently may, if at all, be slid off the respective supporting profiles 10 to remove the storage bag 9. As a result, the storage bag 9 may be removed, if at all, only after removing the supporting profiles 10 from the corresponding plug-in receptacles 21. In contrast, the trunk space storage system of the present invention can be removed without removing either of the front and back cross car bars. Since an object of the present invention is to provide a trunk space storage system that is very easy to install and remove, especially for users of the system having physical impairments (top of page 2 of the present application), the implication of this feature of the system is substantial relative to the Lobanoff device.

Also unlike the trunk space storage system of the present invention, one supporting profile 10 of the Lobanoff device can be hooked into the other supporting profile 10 to secure the other supporting profile 10 only in a parallel abutting position with respect to the one supporting profile 10. Thus, both of the supporting profiles 10 cannot be stowed in either of the pairs of plug-in receptacles 21 when the storage device is not needed. An implication of this feature of the trunk space storage system of the present invention relative to the Lobanoff device is that more useable horizontal space is defined in the trunk (in the volume defined between the pairs of front and back recesses) when the front and back cross car bars are stowed in either of the pairs of front and back recesses.

Also unlike the trunk space storage system of the present invention, the length of each of the supporting profiles 10 of the Lobanoff device is fixed. As such, the length of each of the supporting profiles 10 cannot be adjusted. An implication of this feature of the trunk space storage system of the present invention relative to the Lobanoff device is that a given system can be used in trunks of various width.

As can easily be seen, the Lobanoff device does not include at least one storage container fitted over the front and back cross car bars so as to be supported by the front and back cross car bars. Also, the Lobanoff device does not include both of the front and back cross car bars being adapted to be stowed in either of the pairs of front and back recesses when the trunk space storage system is not needed. Also, the Lobanoff device does not include the length of each of the front and back cross car bars being adjustable.

Thus, the applicant respectfully submits that each and every limitation of amended claim 1 is not found nor suggested in the Lobanoff device. Therefore, it is respectfully submitted that amended claim 1 is allowable over the rejection under 35 U.S.C. § 102(b).

### **35 U.S.C. § 103(a)**

A rejection based on § 103(a) must rest on a factual basis, with the facts being interpreted without a hindsight reconstruction of the invention from the prior art. Thus, in the context of an analysis under § 103, it is not sufficient merely to identify one reference that teaches several of the limitations of a claim and another that teaches several other limitations of the claim to support a rejection based on obviousness. This is because obviousness is not established by combining basic disclosures of the prior art to produce the claimed invention absent a teaching or suggestion that the combination be made. Interconnect Planning Corp. v. Fiel, 774 F.2d 1132, 1143, 227 U.S.P.Q.

(BNA) 543, 551 (Fed. Cir. 1985); In Re Corkhill, 771 F.2d 1496, 1501 - 02, 226 U.S.P.Q. (BNA) 1005, 1009 - 10 (Fed. Cir. 1985). The relevant analysis invokes a cornerstone principle of U.S. patent law:

That all elements of an invention may have been old (the normal situation), or some old and some new, or all new, is, however, simply irrelevant. Virtually all inventions are combinations, and virtually all are combinations of old elements. Environmental Designs v. Union Oil Co. of Cal., 713 F.2d 693, 698 (Fed. Cir. 1983) (other citations omitted).

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A patentable invention . . . may result even if the inventor has, in effect, merely combined features, old in the art, for their known purpose without producing anything beyond the results inherent in their use. American Hoist & Derek Co. v. Sowa & Sons, Inc., 220 U.S.P.Q. (BNA) 763, 771 (Fed. Cir. 1984) (emphasis in original, other citations omitted).

Here, it is respectfully submitted that combining the storage device of Lobanoff with the collapsible trunk-spacer apparatus of Dixon does not result in the trunk space storage system of the type described in amended independent claim 1. More specifically, the combination of the Lobanoff and Dixon devices does not result in a trunk space storage system in which at least one storage container of the system fits over front and back cross car bars of the system so as to be supported by the front and back cross car bars, both of the front and back cross car bars are adapted to be stowed in either of pairs of front and back recesses when the trunk space storage system is not needed, and the length of each of the front and back cross car bars can be adjusted.

The deficiencies in the teachings of the Lobanoff '872 patent are not overcome in the disclosure of the Dixon '502 patent. Thus, neither of the references, alone or in combination with the other reference, discloses or suggests the trunk space storage system described in amended claim 1.

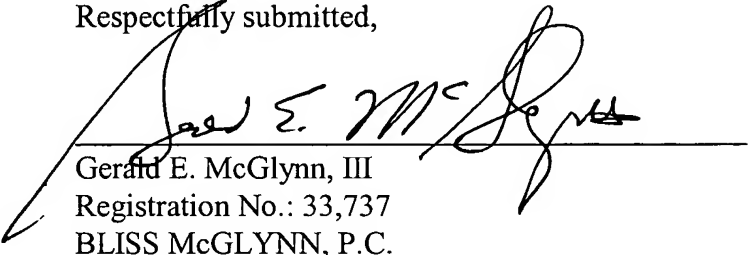


In view of the above, it is respectfully submitted that amended independent claim 1 recites at least one structural limitation that is not disclosed or suggested by the prior art and is patentably distinguishable from the subject matter of each of the references discussed above. Claim 7 has been cancelled. As such, the prior-art references do not disclose or suggest the subject invention. However, even if they did, they could be applied only through hindsight after restructuring the disclosures of the corresponding references in view of the applicant's invention. A rearrangement of the devices described in the corresponding references to derive the applicant's invention would, in and of itself, be an invention.

### Conclusion

Independent claim 1, as amended, recites structure that is neither disclosed nor suggested by the prior art and is patentably distinguishable from the cited art discussed above. Accordingly, the applicant respectfully solicits allowance of the claims pending in the present application.

Respectfully submitted,



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